

**THE MICHIGAN PENAL CODE (EXCERPT)**

**Act 328 of 1931**

**CHAPTER LXVII**

**PROSTITUTION**

**750.448 Soliciting, accosting, or inviting to commit prostitution or immoral act; crime.**

Sec. 448. A person 16 years of age or older who accosts, solicits, or invites another person in a public place or in or from a building or vehicle, by word, gesture, or any other means, to commit prostitution or to do any other lewd or immoral act, is guilty of a crime punishable as provided in section 451.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.448;—Am. 1969, Act 243, Eff. Mar. 20, 1970;—Am. 2002, Act 45, Eff. June 1, 2002.

**Former law:** See section 1 of Act 231 of 1925, being CL 1929, § 16871.

**750.449 Admitting to place for purpose of prostitution; crime.**

Sec. 449. A person 16 years of age or older who receives or admits or offers to receive or admit a person into a place, structure, house, building, or vehicle for the purpose of prostitution, lewdness, or assignation, or who knowingly permits a person to remain in a place, structure, house, building, or vehicle for the purpose of prostitution, lewdness, or assignation, is guilty of a crime punishable as provided in section 451.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.449;—Am. 1969, Act 243, Eff. Mar. 20, 1970;—Am. 2002, Act 46, Eff. June 1, 2002.

**Former law:** See section 2 of Act 231 of 1925, being CL 1929, § 16872.

**750.449a Engaging services for purpose of prostitution, lewdness, or assignation, offer to engage; penalty.**

Sec. 449a. Any male person who engages or offers to engage the services of a female person, not his wife, for the purpose of prostitution, lewdness or assignation, by the payment in money or other forms of consideration, is guilty of a misdemeanor. Any person convicted of violating this section shall be subject to the provisions of Act No. 6 of the Public Acts of the Second Extra Session of 1942, being sections 329.201 to 329.208 of the Compiled Laws of 1948.

**History:** Add. 1969, Act 243, Eff. Mar. 20, 1970.

**750.450 Aiders and abettors; crime.**

Sec. 450. A person 16 years of age or older who aids, assists, or abets another person to commit or offer to commit an act prohibited under section 448 or 449 is guilty of a crime punishable as provided in section 451.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.450;—Am. 1969, Act 243, Eff. Mar. 20, 1970;—Am. 2002, Act 46, Eff. June 1, 2002.

**Former law:** See section 3 of Act 231 of 1925, being CL 1929, § 16873.

**750.451 Violation of MCL 750.448, 750.449, 750.449a, 750.450, or 750.462; prior convictions; penalty; definition.**

Sec. 451. (1) Except as otherwise provided in this section, a person convicted of violating section 448, 449, 449a, 450, or 462 is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

(2) A person 16 years of age or older who is convicted of violating section 448, 449, 449a, 450, or 462 and who has 1 prior conviction is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.

(3) A person convicted of violating section 448, 449, 449a, 450, or 462 and who has 2 or more prior convictions is guilty of a felony punishable by imprisonment for not more than 2 years, or a fine of not more than \$2,000.00, or both.

(4) If the prosecuting attorney intends to seek an enhanced sentence based upon the defendant having 1 or more prior convictions, the prosecuting attorney shall include on the complaint and information a statement listing the prior conviction or convictions. The existence of the defendant's prior conviction or convictions shall be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following:

- (a) A copy of the judgment of conviction.
- (b) A transcript of a prior trial, plea-taking, or sentencing.
- (c) Information contained in a presentence report.

(d) The defendant's statement.

(5) As used in this section, "prior conviction" means a violation of section 448, 449, 449a, 450, or 462 or a violation of a law of another state or of a political subdivision of this state or another state substantially corresponding to section 448, 449, 449a, 450, or 462.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.451;—Am. 1969, Act 243, Eff. Mar. 20, 1970;—Am. 2002, Act 43, Imd. Eff. Mar. 14, 2002;—Am. 2002, Act 44, Eff. June 1, 2002.

**Former law:** See section 4 of Act 231 of 1925, being CL 1929, § 16874.

#### **750.451a Law enforcement officers; applicability.**

Sec. 451a. Sections 448, 449, 449a, 450 and 451 do not apply to a law enforcement officer while in the performance of his duties as a law enforcement officer.

**History:** Add. 1969, Act 243, Eff. Mar. 20, 1970.

#### **750.452 House of ill-fame; keeping, maintaining or operating.**

Sec. 452. Keeping, etc., a house of ill-fame—Any person who shall keep, maintain or operate, or aid and abet in keeping, maintaining or operating a house of ill-fame, bawdy house or any house or place resorted to for the purpose of prostitution or lewdness shall be guilty of a felony, punishable by imprisonment in the state prison for not more than 5 years or by a fine of not more than 2,500 dollars.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.452.

**Former law:** See section 10 of Ch. 158 of R.S. 1846, being CL 1857, § 5865; CL 1871, § 7700; How., § 9286; CL 1897, § 11697; CL 1915, § 15471; CL 1929, § 16826; Act 34 of 1887; Act 37 of 1927; and Act 40 of 1927.

#### **750.453 Providing incriminating testimony or evidence; use of truthful testimony, evidence, or other information against witness in criminal case.**

Sec. 453. A person shall not be excused from attending and testifying or producing any books, papers, or other documents before a court or magistrate upon an investigation, proceeding, or trial for a violation of this chapter on the ground that the testimony or evidence may tend to degrade or incriminate the person. Truthful testimony, evidence, or other truthful information compelled under this section and any information derived directly or indirectly from that truthful testimony, evidence, or other truthful information shall not be used against the witness in a criminal case, except for impeachment purposes or in a prosecution for perjury or otherwise failing to testify or produce evidence as required.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.453;—Am. 1999, Act 251, Imd. Eff. Dec. 28, 1999.

**Former law:** See section 2 of Act 40 of 1927, being CL 1929, § 16861.

#### **750.454 Leasing houses for purposes of prostitution; misdemeanor.**

Sec. 454. Any person who shall let any dwelling house, knowing that the lessee intends to use it as a house of ill-fame or place of resort for the purpose of prostitution and lewdness, or for the purpose of gambling for money or other property, or who shall knowingly permit such lessee to use the same for such purpose, or who shall receive any rent for any dwelling, house, room, or apartment which is used as a house of ill-fame or place of resort for prostitutes, or for the purpose of prostitution and lewdness, or for the purpose of gambling for money or other property, having reasonable cause to believe such house, room, or apartment is used for any such purpose, is guilty of a misdemeanor punishable by imprisonment for not more than 6 months or a fine of not more than \$750.00. However, no person shall be liable for receiving rent as aforesaid for any period prior to the time when he or she has reasonable cause to believe that such house, room, or apartment is used for any such purpose.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.454;—Am. 2002, Act 672, Eff. Mar. 31, 2003.

**Former law:** See section 12 of Ch. 158 of R.S. 1846, being CL 1857, § 5867; CL 1871, § 7702; How., § 9288; CL 1897, § 11699; CL 1915, § 15473; CL 1929, § 16828; Act 226 of 1865; and Act 77 of 1873.

#### **750.455 Pandering; felony.**

Sec. 455. Pandering—Any person who shall procure a female inmate for a house of prostitution; or who shall induce, persuade, encourage, inveigle or entice a female person to become a prostitute; or who by promises, threats, violence or by any device or scheme, shall cause, induce, persuade, encourage, take, place, harbor, inveigle or entice a female person to become an inmate of a house of prostitution or assignation place, or any place where prostitution is practiced, encouraged or allowed; or any person who shall, by promises, threats, violence or by any device or scheme, cause, induce, persuade, encourage, inveigle or entice an inmate of a house of prostitution or place of assignation to remain therein as such inmate; or any person who by promises, threats, violence, by any device or scheme, by fraud or artifice, or by duress of person or goods, or

by abuse of any position of confidence or authority, or having legal charge, shall take, place, harbor, inveigle, entice, persuade, encourage or procure any female person to enter any place within this state in which prostitution is practiced, encouraged or allowed, for the purpose of prostitution; or who shall inveigle, entice, persuade, encourage, or procure any female person to come into this state or to leave this state for the purpose of prostitution; or who upon the pretense of marriage takes or detains a female person for the purpose of sexual intercourse; or who shall receive or give or agree to receive or give any money or thing of value for procuring or attempting to procure any female person to become a prostitute or to come into this state or leave this state for the purpose of prostitution, shall be guilty of a felony, punishable by imprisonment in the state prison for not more than 20 years.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.455.

**Former law:** See section 1 of Act 63 of 1911, being CL 1915, § 15494; CL 1929, § 16862; Act 330 of 1925; and Act 37 of 1927.

#### **750.456 Placing wife in house of prostitution; felony.**

Sec. 456. Placing wife by fraud, etc., in house of prostitution—Any person who by force, fraud, intimidation or threat places or leaves, or procures any other person to place or leave his wife in a house of prostitution or to lead a life of prostitution, shall be guilty of a felony, punishable by imprisonment in the state prison for not more than 20 years.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.456.

**Former law:** See section 2 of Act 63 of 1911, being CL 1915, § 15495; CL 1929, § 16863.

#### **750.457 Earnings of prostitute, accepting.**

Sec. 457. Accepting money, etc., from earnings of prostitute—Any person who shall knowingly accept, receive, levy or appropriate any money or valuable thing without consideration from the proceeds of the earnings of any woman engaged in prostitution, or any person, knowing a female to be a prostitute, shall live or derive support or maintenance, in whole or in part, from the earnings or proceeds of the prostitution of said prostitute, or from moneys loaned or advanced to or charged against her by any keeper or manager or inmate of a house or other place where prostitution is practiced or allowed, shall be guilty of a felony, punishable by imprisonment in the state prison not more than 20 years. And such acceptance, receipt, levy or appropriation of such money or valuable thing, shall, upon any proceeding or trial for violation of this section, be presumptive evidence of lack of consideration.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.457.

**Former law:** See section 3 of Act 63 of 1911, being CL 1915, § 15496; CL 1929, § 16864; Act 284 of 1934; Act 330 of 1925; Act 37 of 1927; and section 1 of Act 389 of 1919, being CL 1929, § 16869.

#### **750.458 Detaining female in house of prostitution for debt.**

Sec. 458. Detaining female in house of prostitution for debt contracted while there—Any person who attempts to detain any female person in a disorderly house or house of prostitution because of any debt or debts she has contracted, or is said to have contracted while living in said house, shall be guilty of a felony, punishable by imprisonment in the state prison for not less than 2 nor more than 20 years.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.458.

**Former law:** See section 4 of Act 63 of 1911, being CL 1915, § 15497; and CL 1929, § 16865.

#### **750.459 Transporting female for prostitution; felony.**

Sec. 459. Transporting female for prostitution—Any person who shall knowingly transport or cause to be transported, or aid or assist in obtaining transportation for, by any means of conveyance, into, through or across this state, any female person for the purpose of prostitution or with the intent and purpose to induce, entice or compel such female person to become a prostitute shall be guilty of a felony, punishable by imprisonment in the state prison for not more than 20 years; any person who may commit the crime in this section mentioned may be prosecuted, indicted, tried and convicted in any county or city in or through which he shall so transport or attempt to transport any female person as aforesaid.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.459.

**Former law:** See section 5 of Act 63 of 1911, being CL 1915, § 15498; and CL 1929, § 16866.

#### **750.460 Acts committed outside state.**

Sec. 460. Acts committed outside state—It shall not be a defense to a prosecution for any of the acts prohibited in the next 5 preceding sections of this chapter that any part of such act or acts shall have been committed outside this state, and the offense shall in such case be deemed and alleged to have been committed and the offender tried and punished in any county in which the prostitution was intended to be

practiced or in which the offense was consummated, or any overt act in furtherance of the offense shall have been committed.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.460.

**Former law:** See section 6 of Act 63 of 1911, being CL 1915, § 15499; and CL 1929, § 16867.

#### **750.461 Competency of person to testify for or against accused notwithstanding person's marriage to accused.**

Sec. 461. An individual referred to in sections 455 to 459 may be a competent witness in a prosecution under this chapter to testify for or against the accused as to any transaction or as to any conversation with the accused or by the accused with another person in the individual's presence regardless of whether the individual married the accused before or after the violation or whether the individual is called as a witness during the existence of the marriage or after its dissolution.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.461;—Am. 1999, Act 251, Imd. Eff. Dec. 28, 1999.

**Former law:** See section 7 of Act 63 of 1911, being CL 1915, § 15500; CL 1929, § 16868; Act 330 of 1925; Act 37 of 1927; and section 2 of Act 389 of 1919, being CL 1929, § 16870.

#### **750.462 Female 16 years of age or less in house of prostitution; crime.**

Sec. 462. A person who, for a purpose other than prostitution, takes or conveys to, or employs, receives, detains, or allows a person 16 years of age or less to remain in, a house of prostitution, house of ill-fame, bawdy-house, house of assignation, or any house or place for the resort of prostitutes or other disorderly persons is guilty of a crime punishable as provided in section 451.

**History:** 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.462;—Am. 2002, Act 46, Eff. June 1, 2002.

**Former law:** See sections 2 and 3 of Act 209 of 1885, being How., §§ 9314g and 9314h; CL 1897, §§ 11725 and 11726; CL 1915, §§ 15516 and 15517; and CL 1929, §§ 16881 and 16882.